

PATRICK D. ROBBINS (CABN 152288)
Acting United States Attorney
PAMELA T. JOHANN (CABN 145558)
Chief, Civil Division
KELSEY J. HELLAND (CABN 298888)
Assistant United States Attorney
U.S. ATTORNEY'S OFFICE
450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495

ERIC HAMILTON
Deputy Assistant Attorney General
DIANE KELLEHER
Branch Director
CHRISTOPHER HALL
Assistant Branch Director
JAMES D. TODD, JR.
Senior Trial Counsel
YURI S. FUCHS
Trial Attorney
U.S. DEPARTMENT OF JUSTICE
Civil Division, Federal Programs Branch
P.O. Box 883
Washington, DC 20044

Counsel for Defendants

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, *et al.*

Plaintiffs,

v.

UNITED STATES OFFICE OF PERSONNEL
MANAGEMENT, *et al.*,

Defendants.

Case No. 3:25-cv-1780-WHA

**DECLARATION OF JAMES D. TODD, JR.
IN SUPPORT OF DEFENDANTS'
UNOPPOSED ADMINISTRATIVE
MOTION FOR LEAVE TO EXCEED
PAGE LIMITATIONS FOR
SUPPLEMENTAL BRIEF ON
ADMINISTRATIVE CHANNELING**

The Hon. William H. Alsup

1 I, James D. Todd Jr., declare, pursuant to 28 U.S.C. § 1746 and Local Rule 7-5, as
2 follows:

3 1. This Court directed the parties to file supplemental briefing of up to ten pages in
4 length on whether the MSPB and FLRA remained “effective channel[s]” for federal employees
5 to litigate their terminations at its March 13, 2025, hearing. Tr. of March 13, 2025, 54:23–56:9,
6 56:8-9 ECF No. 120.

7 2. Defendants have been diligently preparing their supplemental channeling brief. In
8 order to adequately represent their position, Defendants have determined that they will need to
9 file a brief of up to twelve pages in length.

10 3. On March 20, 2025, undersigned counsel contacted Plaintiffs’ counsel to inform
11 them that Defendants would file an administrative motion for leave to exceed the Court’s page
12 limitations. Plaintiffs responded that same day and indicated that they did not oppose such a
13 motion provided that they may also file a supplement brief on channeling of up to twelve pages
14 in length. Defendants agreed to represent Plaintiffs’ position to the Court.

15 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true
16 and correct.

17 Dated: March 21, 2025

18
19
20
21 /s/ James D. Todd, Jr.
22 JAMES D. TODD, JR.
23
24
25
26
27
28